

H. C. R. No. 13, Proposing to send a committee to Oklahoma for purpose of entering into compact with Oklahoma relative to use of Red River by Texas citizens.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, January 27, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 174, A bill to be entitled "An Act making an appropriation from the State Treasury for the preparation, checking, investigation, and correction of the scholastic census and for accounting and investigation necessary in the approval of transfers to the Census Division to the State Department of Education; providing money for salaries, wages, rent, equipment, supplies, printing, and necessary traveling expenses incident thereto for the sum of Fifteen Thousand (\$15,000.00) Dollars for the year ending September first, 1937, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, January 27, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 238, A bill to be entitled "An Act making appropriations to defray the costs assessed against the State of Texas of the Rio Grande joint investigation being conducted by the National Resources Committee, through the Water Resources Committee, constituted under Act of Congress, and making appropriations to pay the court costs and expenses of the Attorney General in the prosecution of the complaint of the State of Texas in the cause of the State of Texas vs. the State of New Mexico, et al., No. 12 Original, October Term, 1936, in the Supreme Court of the United States, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HARRIS of Archer,
Acting Chairman.

TENTH DAY

(Thursday, January 28, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Hoskins
Adkins	Howard
Alexander	Huddleston
Alsup	Hull
Amos	Jackson
Baker	James
Bates	Johnson of Ellis
Beckworth	Johnson
Bell	of Tarrant
Boethel	Jones of Angelina
Bond	Jones of Atascosa
Boyer	Jones of Falls
Bradbury	Jones of Wise
Bradford	Keefe
Bridgers	Keith
Broadfoot	Kelt
Brown	Kenyon
Burton	Kern
Cagle	King
Callan	Knetsch
Cathey	Langdon
Celaya	Lankford
Cleveland	Lanning
Colquitt	Leath
Davis of Haskell	Leyendecker
Davis of Jasper	Little
Davison of Fisher	London
Davisson	Lucas
of Eastland	Mann
Dean	Mauritz
Deglandon	Mays
Derden	McConnell
Dickison	McCracken
Dollins	McDonald
England	McFarland
Farmer	McKee
Felty	McKinney
Fielden	Moffett
Fox	Monkhouse
Fuchs	Morris
Gibson	Morse
Graves	Nicholson
Hamilton	Oliver
Hankamer	Palmer
Harbin	Patterson of Mills
Hardin	Patterson
Harper	of Travis
Harrell	Petsch
Harris of Archer	Pope
Harris of Dickens	Powell
Hartzog	Prescott
Heflin	Quinn
Herzik	Ragsdale
Holland	Reader

Reed of Bowie	Smith of Tarrant
Reed of Dallas	Stevenson
Rhodes	Stocks
Riddle	Talbert
Roark	Tarwater
Russell	Tennant
Rutta	Tennyson
Settle	Thornberry
Sewell	Thornton
Sharpe	Vale
Shell	Walker
Simpson	Weldon
Skaggs	Winfree
Smith of Hopkins	Wood
Smith	Worley
of Matagorda	

Absent—Excused

Blankenship	Metcalf
Carssow	Newton
Hanna	Ross
Harris of Dallas	Schuenemann
Hyder	Stinson
Leonard	Waggoner
Loggins	Westbrook

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered prayer.

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Leonard for today, on motion of Mr. Lucas.

The following Members were granted leaves of absence on account of illness:

Mr. Hanna, Mr. Stinson and Mr. Blankenship for today, on motion of Mr. Colquitt.

Mr. Hyder for today, on motion of Mr. Settle.

Mr. Loggins for today, on account of illness in his family, on motion of Mr. Bradbury.

Mr. Waggoner for today, on motion of Mr. Burton.

Mr. Metcalfe for today, on motion of Mr. Morris.

Mr. Carssow for today, on motion of Mr. Monkhouse.

Mr. Schuenemann for today, on motion of Mr. Shell.

Mr. Ross for today, on motion of Mr. McConnell.

Mr. Harris of Dallas for today, on motion of Mr. Boyer.

Mr. Westbrook for today, on motion of Mr. Oliver.

Mr. Newton for today, on account of illness in his family, on motion of Mr. Dickison.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Harris of Dallas and Mr. Tennant:

H. B. No. 329, A bill to be entitled "An Act relating to the payment of wages; defining certain words as used in this Act; providing that all employees shall be paid twice each month; providing a penalty for failure to pay; requiring employers to give notice to employees of pay days; providing that employees shall be paid when separated from the pay roll either by discharge, quitting or by industrial dispute; providing for the payment of wages conceded to be due; providing that the terms of this Act may not be waived by agreement; requiring employers to give notice to additional employees of any past due wages and judgments existing against employer for wages; providing that contractors shall be responsible for subcontractor's payroll; providing that the Act shall be enforced by the Labor Commissioner; requiring employers to keep records of wages paid and wages not delivered to employees; prescribing the power of the Labor Commissioner as to subpoenas; providing for the assignment of wage claims to the Labor Commissioner; providing that no court costs shall be required of the Labor Commissioner in action brought by him under provisions of this Act; providing a penalty; repealing Articles 5155, 5156, 5157, 5158 and 5159 of the Revised Civil Statutes of the State of Texas, and declaring an emergency."

Referred to the Committee on Labor.

By Mr. Harris of Dallas and Mr. Tennant:

H. B. No. 330, A bill to be entitled "An Act to amend Articles 5215 and 5216 of the Revised Civil Statutes of the State of Texas, 1925, relating to the fees that may be charged applicants by private employment agents in Texas, authorizing the Commissioner of Labor to prescribe the form

of receipts, and declaring an emergency."

Referred to the Committee on Labor.

By Mr. Harris of Dallas and Mr. Tennant:

H. B. No. 331, A bill to be entitled "An Act to amend Article 1589 of the Penal Code of the State of Texas, 1925, relating to the fees to be charged by private employment agents in Texas, and declaring an emergency."

Referred to the Committee on Labor.

By Mr. Morris and Mr. England:

H. B. No. 332, A bill to be entitled "An Act amending Article 7064, Revised Civil Statutes, 1925, as amended by Acts of 1936, Forty-fourth Legislature, Third Called Session, H. B. No. 8, Article IV, Section 5; levying a tax upon foreign assessments life and casualty companies and providing that foreign assessments life and casualty companies admitted to do business in Texas under Chapter 5, Title 78, Revised Civil Statutes, 1925, shall pay taxes under, and in accordance with, the provisions of this Article; providing for the investment in Texas of the assessment income of such companies, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Jones of Wise and Mr. Thornberry:

H. B. No. 333, A bill to be entitled "An Act withdrawing from participating party review in Court of Civil Appeals by means of writ of error, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Jones of Wise and Mr. Thornberry:

H. B. No. 334, A bill to be entitled "An Act providing for waiver of variances and of defects, omissions and faults in pleading; repealing all conflicting laws, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Jones of Wise and Mr. Thornberry:

H. B. No. 335, A bill to be entitled "An Act to give further certainty to appellate jurisdiction by adding to the Revised Statutes Article 1840a, pro-

viding for waiver and cure of objection as to the various notices and bonds required for its perfection, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Adkins and Mr. Harbin:

H. B. No. 336, A bill to be entitled "An Act to amend paragraph (a) of Subdivision 13 of Article 7065a of Revised Civil Statutes of Texas, being Section 13 (a) of Chapter 44, page 75, of the General Laws of the Forty-third Legislature, as amended by Section 12 of Chapter 240, page 558, of the General Laws of the Forty-fourth Legislature, Regular Session, so as to entitle all Independent and Common School Districts in Texas, to a refund of motor fuel taxes paid on motor fuel used in the operation of motor vehicles owned and operated for school purposes only, by said Independent and Common School Districts, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Bradford:

H. B. No. 337, A bill to be entitled "An Act to fix the maximum rate of taxes to be levied for school purposes and all independent school districts whether organized under general or special laws; repealing all laws in conflict herewith, both general and special, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Bradford:

H. B. No. 338, A bill to be entitled "An Act making an emergency appropriation of Fourteen Thousand Fifty (\$14,050.00) Dollars to the Sul Ross State Teachers College, Alpine, Texas, for the balance of the fiscal year ending August 31, 1937, provided, however, the Sul Ross State Teachers College shall be governed by the general provisions of the appropriation bill in the expenditures of the amounts appropriated, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Dickison, Mr. Thornton, Mr. Reed of Dallas, Mr. Davis of Haskell, Mr. Knetsch, Mr. Jones of Wise, Mr. Morris and Mr. McKee:

H. B. No. 339, A bill to be entitled "An Act to amend Section 1, Article

3531, Chapter 19 of the Revised Civil Statutes of Texas, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Mann:

H. B. No. 340, A bill to be entitled "An Act declaring it unlawful for any judge, clerk, or other person who may be in the room where an election is being held to mark, sign, stamp, number or handle any ballot in such a manner that such ballot might be identified as being cast by any certain voter; providing a penalty for the violation of this Act; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Mann:

H. B. No. 341, A bill to be entitled "An Act amending Article 3012, Title 50, of the 1925 Revised Civil Statutes of the State of Texas, and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Mann:

H. B. No. 342, A bill to be entitled "An Act to amend Article 3028, Title 50, of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. McKinney:

H. B. No. 343, A bill to be entitled "An Act making an emergency appropriation to the State Prison System at Huntsville, Texas, for the erection, construction, building and equipping of a power plant at said Huntsville Prison, Wynne State Prison Farm and Goree State Prison Farm, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Holland and Mr. Rhodes:

H. B. No. 344, A bill to be entitled "An Act to amend Article 798, of the Code of Criminal Procedure of the State of Texas, 1925, so as to provide for the infliction of death penalty by means of lethal gas, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Wood and Mr. McKinney:

H. B. No. 345, A bill to be entitled "An Act amending Section 13 and Section 15 of Senate Bill No. 5, Chapter 465 of the Acts of the Second Called Session of the Forty-fourth Legislature, relating to the payment of salaries of the various county and district officials."

Referred to the Committee on Counties.

By Mr. Bond:

H. B. No. 346, A bill to be entitled "An Act declaring the purpose of this enactment; providing for the designation of Ports of Entry highways and designating the Railroad Commission an administering body for administration of this Act; providing for the appointment of a Director of Ports of Entry and defining his duties and fixing his salary; providing for the establishment of Primary Registration Stations or Ports of Entry and Secondary Registration Stations or Ports of Entry at suitable places on designated highways; providing for the appointment of inspectors at Registration Stations or Ports of Entry, and fixing the salaries of inspectors and employees and defining their duties; authorizing the Railroad Commission to employ such clerks, assistants and other help as the Commission deems necessary and fixing the salaries of such clerks, assistants and other help, requiring the Highway Commission to furnish vehicle license plates to the Director of Ports of Entry; requiring motor carriers of passengers for hire and motor carriers of property to register at Ports of Entry and give certain information and making exemptions thereto, and requiring inspectors to verify such information by inspecting such vehicles and their contents and weigh such vehicles and their cargo if deemed necessary; providing for the issuance of special permits and clearance certificates by the inspectors to the driver or operator of such vehicles under certain conditions, and limiting their validity to one trip; limiting number of special permits for any one vehicle in certain class to two in one month; authorizing and directing inspectors at Ports of Entry to issue and collect for commercial motor vehicle licenses, mileage taxes, and other fees and taxes fixed by this Act; requiring the drivers or opera-

tors of vehicles inspected at Ports of Entry to have a chauffeur's license before a special permit or clearance certificate is issued; assessing and levying a mileage tax on motor vehicles not registered in this State and transporting property or transporting passengers for hire within this State, and requiring the payment of same before such vehicles can proceed upon the highways of this State; requiring that clearance certificates be pasted on the windshield of the vehicle for which same is issued and the surrender of such clearance certificate upon leaving the State; providing for the transmittal of funds collected by the inspectors to the Railroad Commission and establishing a 'Port of Entry Fund'; directing the balance on hand in such fund at the end of the fiscal year to be transferred to the General Fund; appropriating Ten Thousand Dollars (\$10,000) from the General Fund to pay initial salaries and pay expenses incidental to the inauguration of this Act; authorizing the Railroad Commission to enter co-operative agreements with adjoining States and the United States for joint operation of Ports of Entry; defining 'Transportation of property'; declaring certain violations of this Act to be unlawful and fixing a penalty upon conviction, and fixing the venue of prosecutions; repealing all laws in conflict with this Act, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Rhodes, Mr. Holland, Mr. Amos, Mr. Hardin and Mr. Keefe:

H. B. No. 347, A bill to be entitled "An Act prohibiting a freight train to consist of more than seventy cars exclusive of caboose, to be run on any Texas railroad; prohibiting a passenger train to consist of more than fourteen cars to be run on any Texas railroad; providing for a penalty for violation of laws, and declaring an emergency."

Referred to the Committee on Common Carriers.

By Mr. Reed of Dallas:

H. B. No. 348, A bill to be entitled "An Act amending Section 5, of Chapter 130, Acts of the Regular Session of the Forty-third Legislature, as amended by the Acts of 1934, Fourth Called Session of the Forty-third Legislature, so as to extend the

time within which the contracts, bonds, notes or other evidence of indebtedness authorized by said Chapter 130, as amended, shall not be issued or executed after the Thirty-first day of December, 1937, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Jones of Atascosa, Mr. Cathey and Mr. Bradbury:

H. B. No. 349, A bill to be entitled "An Act amending House Bill No. 8, page 2040, Chapter 495, Article 2, Section 3, of the Third Called Session of the Forty-fourth Legislature, more fully defining persons entitled to Old Age Assistance, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Keefe, Mr. Bell and Mr. England:

H. B. No. 350, A bill to be entitled "An Act establishing a merit system of appointing employees of the various departments, agencies and institutions of the State Government of Texas and declaring it to be the policy of the State to so establish same; providing for appointment of Civil Service Commission of three members by the Governor, one of whom shall be Director of Personnel; providing one commissioner shall be appointed to serve two years, one four years, and Director of Personnel to serve six years; providing no commissioner shall hold any other office or employment under the United States, the State, county, city or other political subdivision thereof; providing for salary and traveling expenses of Director of Personnel and other two commissioners; and that Director of Personnel shall devote entire time to duties; providing Director may prescribe rules governing system, and for quorum of commission; that commission shall adopt seal and make rules and regulations for administration of Act; that any commissioner may be removed from office on address of two-thirds of each House of the Legislature for misfeasance or malfeasance; providing Director shall be Chief Administrative Officer when commission not in session and shall execute all rules and regulations promulgated by commission and perform all duties imposed upon him and shall be respon-

sible for effective administration of Act and do such things, not inconsistent with Act, as he deems necessary; authorizing commission to employ chief examiner and secretary and other additional employees, and fixing their salaries; authorizing Director to obtain assistance of other employees of State Educational Institutions to aid in giving examinations, without extra compensation unless residing out of Austin, Texas, and then only actual and necessary traveling expenses; providing Board of Control shall provide suitable office space, equipment and supplies for commission; making appropriation for maintenance of commission; prescribing the duties of commission as to classification of positions and duties in respect thereto and maximum and minimum salaries and rules and plans for promotion in each class of employment, and providing classes may be amended or abolished, and in regard to holding examination; . . . etc., and declaring an emergency."

Referred to the Committee on State Affairs.

ADDITIONAL SIGNERS OF BILLS

By unanimous consent of the House, the following Members were authorized to sign bills, as co-authors of same, as follows:

Mr. Boethel, House Bill No. 158.
 Mr. Baker, House Bills Nos. 10 and 247.
 Mr. Smith of Matagorda, House Bill No. 10.
 Mr. Deglandon, House Bill No. 67.
 Mr. Beckworth, House Bills Nos. 9, 106 and 156.
 Mr. Harbin, House Bill No. 336.
 Mr. Stocks, House Bill No. 328.
 Mr. Harper, House Bill No. 3.
 Mr. McKinney, House Bill No. 346.
 Mr. Quinn, House Bill No. 329.
 Mr. Holland, House Bill No. 336.
 Mr. Alsup, House Bill No. 315.
 Mr. Thornton, House Bill No. 58.
 Mr. King, House Bills Nos. 328 and 336.

MESSAGE FROM THE SENATE

Austin, Texas, January 27, 1937.
 Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. C. R. No. 13, Appointing a committee from the House and Senate for

the purpose of entering into a compact with the State of Oklahoma relative to the use of Red River by Texas citizens.

(With amendment.)

Respectfully,

BOB BARKER,

Secretary of the Senate.

MOTION TO PRINT BILL IN MIMEOGRAPH FORM

Mr. McKee moved that House Bill No. 167 be printed in mimeograph form, and not otherwise printed.

Mr. Alsup moved to table the motion.

The motion to table was lost.

Question recurring on the motion to print House Bill No. 167, in mimeograph form, it prevailed.

Mr. Alsup moved to reconsider the vote, by which House Bill No. 167, was ordered printed in mimeograph form.

Mr. McKee moved to table the motion to reconsider.

The motion to table was lost.

Question recurring on the motion to reconsider, it prevailed.

Question then recurring on the motion to print House Bill No. 167 in mimeograph form, it was lost.

COMMITTEE TO DRAFT CERTAIN QUESTIONNAIRE FOR MEMBERS

The Speaker announced the appointment of the following committee to draft certain questionnaire for Members of the House: Mr. Bradbury, Mr. Morris and Mr. Fox.

RELATIVE TO MAILING OF JOURNALS FOR MEMBERS

Mr. Alsup offered the following resolution:

Be It Resolved by the House of Representatives, That the Contingent Expense Committee be directed to furnish Journals to be mailed out by Members not to exceed ten copies for each said Member, provided, however, that if any Member desires to send out more than ten copies that such Member shall pay postage for mailing Journals from his personal account.

The resolution was read second time.

Mr. Bradford offered the following amendment to the resolution:

"Amend the resolution by striking out '10' and inserting '20'."

On motion of Mr. Tennant, the amendment was tabled.

Mr. McDonald offered the following amendment to the resolution:

Amend the resolution by adding: "provided, that twenty-five additional copies shall be allowed each Member who has an institution of higher learning in his district."

On motion of Mr. Alsup, the amendment was tabled.

Mr. Smith of Tarrant offered the following amendment to the resolution:

Amend the resolution so as to provide that counties having 175,000 people or more may be entitled to 25.

On motion of Mr. Sharpe, the amendment was tabled.

Question recurring on the resolution, it was adopted.

PROVIDING ADDITIONAL MEMBERS FOR CERTAIN COMMITTEE

Mr. Settle offered the following resolution:

Whereas, House Simple Resolution No. 66 read in the House on yesterday morning requesting appointment of three (3) Members to investigate room and space for additional offices for the State's different departments; and

Whereas, Three (3) Members are rather inadequate in number to make so important investigation; therefore, be it

Resolved by the House, That two (2) additional Members be added to the list already named by the Speaker making a total of five (5).

SETTLE,
CATHEY.

The resolution was read second time, and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following Members of the Committee: Mr. Cathey and Mr. Tennant.

RELATIVE TO PRINTING OF CERTAIN INFORMATION

Mr. Cathey offered the following resolution:

Whereas, House Simple Resolution introduced by Cathey, was withdrawn for amendment; and

Whereas, Original report is written voluminous and would be a little costly to print the same; therefore, be it

Resolved, That only seventeen pages be printed as a mere summary of the findings of the Committee and their comment on the Testimony which reflects on no one; and, be it further

Resolved, That this Simple Resolution take the place of House Simple Resolution No. 56, and that the House only order seventeen pages, which is duly signed by all Members of the Committee appointed to investigate of the swapping of jobs, etc., and that the same be mimeographed and laid on the Members' desks.

CATHEY,
TENNANT.

The resolution was read second time.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—105

Adkins	Graves
Alexander	Hamilton
Alsup	Harbin
Bates	Hardin
Beckworth	Harper
Bell	Harrell
Boethel	Harris of Archer
Bond	Harris of Dickens
Boyer	Heflin
Bradbury	Herzik
Bradford	Holland
Bridgers	Hoskins
Brown	Howard
Burton	Huddleston
Cagle	James
Callan	Johnson of Ellis
Cathey	Johnson
Cleveland	of Tarrant
Colquitt	Jones of Angelina
Davis of Haskell	Jones of Atascosa
Davison of Fisher	Jones of Falls
Davisson	Jones of Wise
of Eastland	Keefe
Dean	Keith
Deglandon	Kelt
Derden	Kenyon
Dickison	Kern
Dollins	King
England	Knetsch
Farmer	Lankford
Felty	Lanning
Fielden	Leath
Fox	Leyendecker
Fuchs	London
Gibson	Lucas

Mann	Reed of Dallas
Mays	Rhodes
McConnell	Russell
McCracken	Rutta
McDonald	Settle
McFarland	Sewell
McKee	Sharpe
Moffett	Shell
Monkhouse	Simpson
Morris	Smith of Hopkins
Oliver	Stocks
Palmer	Talbert
Patterson	Tennant
of Travis	Vale
Pope	Walker
Powell	Weldon
Prescott	Winfree
Quinn	Wood
Reed of Bowie	Worley

Nays—5

Hankamer	Thornberry
Jackson	Thornton
Morse	

Absent

Amos	Petsch
Baker	Ragsdale
Broadfoot	Reader
Celaya	Riddle
Davis of Jasper	Roark
Hartzog	Skaggs
Hull	Smith
Langdon	of Matagorda
Little	Smith of Tarrant
Mauritz	Stevenson
McKinney	Tarwater
Nicholson	Tennyson
Patterson of Mills	

Absent—Excused

Blankenship	Metcalf
Carssow	Newton
Hanna	Ross
Harris of Dallas	Schuenemann
Hyder	Stinson
Leonard	Waggoner
Loggins	Westbrook

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled resolution:

S. C. R. No. 10, In memory of Dr. James Quayle Dealey.

REQUESTING GOVERNOR TO IS- SUE PROCLAMATION FOR PURPOSE OF AIDING FLOOD SUFFERERS

Mr. Knetsch offered the following resolution:

H. C. R. No. 14, Requesting Governor to issue proclamation for purpose of aiding flood sufferers.

Whereas, Most disastrous floods have wrought terrific destruction of property to the extent of hundreds of millions of dollars in the States of Ohio, Kentucky, and other states in the Middle West, as well as causing the loss of hundreds of lives; and

Whereas, As a result of such floods, hundreds of thousands of people have lost their homes, as well as much, if not all, of their personal property and belongings, and now find themselves destitute of home, property and money in mid-winter; and

Whereas, Untold and unmentionable human want, suffering and misery is now prevalent in the areas covered by these unprecedented floods, and areas, in addition to the great loss of and damage to property in said areas, as well as the loss of hundreds of lives; losses by fire and sufferings from inadequate water supply and lack of utility services, have brought incalculable grief, misery and want to the hundreds of thousands of people in the stricken area; and

Whereas, The great State of Texas has been fortunately blessed with good climate, lack of destructive floods, storms or fire, and the people of this great State are enjoying returning prosperity and affluence, peace and quietude in their homes and firesides unmolested by the devastating agents of the elements which have so untimely and mercilessly afflicted the states before mentioned; and

Whereas, We greatly appreciate the splendid conditions now prevailing in our great State, and especially do we appreciate the fact that the elements have been kind to us; and

Whereas, We not only deeply sympathize with the stricken areas and all of the citizens of that section of our great country, but are desirous of giving concrete evidence of our appreciation for our happy situation at this time and motivated by the desire to practice the Golden Rule; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Sen-

ate concurring, That the Honorable James V. Allred, Governor of the State of Texas, be requested to immediately issue a proclamation calling upon and requesting every person within the great State of Texas, who is fortunate enough to be earning a sustenance at this time, to contribute to the local Red Cross chapter, wherever such person may be located, one-fourth of the money earned by such person on Monday, February 1, 1937; and, be it further

Resolved, That the Members of the Texas Legislature contribute their share as provided for in this resolution immediately, and that the Members of the House of Representatives deposit their share with the Chief Clerk of the House, and the Members of the Senate deposit their contributions with the Secretary of the Senate, and the said sum forthwith be sent by the Governor of this State to the stricken area for relief of the suffering, want and misery now existing there.

The resolution was read second time, and was adopted.

HOUSE CONCURRENT RESOLUTION NO. 13 WITH SENATE AMENDMENT

Mr. Broadfoot called up from the Speaker's table, with Senate amendment, for consideration of the amendment,

H. C. R. No. 13, Providing for certain committee in regard to use of Red River by citizens of Texas.

The Speaker laid the resolution before the House, with the Senate amendment.

On motion of Mr. Broadfoot, the House concurred in the Senate amendment.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read, the following message from the Governor:

(Mr. Fox in the Chair.)

Austin, Texas, January 28, 1937.
To the Members of the Forty-fifth Legislature:

Supplementing messages heretofore delivered, I respectfully recommend to you the following:

1.

Liquor Law Enforcement

After slightly more than a year of efforts to regulate the liquor traffic

under the present law, we are now in a position to fairly judge the defects of enforcement; and to suggest appropriate remedies. The State has secured substantial revenues from the tax on liquors; but social problems far more important are involved. Of necessity, the present law, passed in the emergency just after repeal was voted by the people, has been largely experimental. Again, necessarily, the only method of approaching satisfactory solution of these vexatious problems is the tedious process of trial and error.

We all recognize the evils inherent in the use of liquor. The people, however, by constitutional amendment legalized the liquor traffic; and the Legislature in obedience to that mandate adopted a State policy intended to encourage temperance and to protect local option dry areas. These purposes have not been obtained under the present law.

A.

The chief weakness in the present law is the lack of power in the Liquor Control Board to adequately compel obedience to the law by minorities engaged in the liquor traffic who are unwilling to observe the law. We need to put more teeth in it. Defiance of the law, especially by those licensed by the State, cannot be tolerated.

Experience has demonstrated that the Board should be given the power in this (as in others) to speedily and effectively cancel or suspend a permit. The Supreme Court of the United States has held that the states have absolute power to regulate the liquor traffic in any manner they may see fit. In some this is done by the state monopoly system; in many others by providing that there shall be no appeal to the courts from an order of the commission refusing or cancelling a permit.

Under the present law when a permit is cancelled or suspended appeal can be taken to the district court; and while the matter is awaiting trial the operator is free to continue his business without interference. This has resulted in the filing of multitudinous lawsuits in various district courts throughout the country; and neither the Board or the Attorney General has sufficient attorneys to adequately represent the State. It

absolutely breaks down enforcement and, consequently, respect for law.

Enforcement can be made thoroughly effective by a simple amendment to the present law providing that appeals from orders of cancellation or suspension shall not supercede such orders, but that they shall remain in full effect until the case is finally determined. The venue of such appeals to courts should be fixed in Travis County just as has been done with reference to appeals from orders of the Railroad Commission.

Please bear in mind in this connection that it is not a matter of "right" to engage in the liquor business in this State. It is a special grant, a peculiar privilege, and should exist only by sufferance of the State. The State Liquor Board represents the Legislature and the people. It is composed of able and outstanding citizens of this State accountable to the Legislature. Its official acts are entitled to every consideration; and any person engaging in the liquor business should do so with perfect willingness at all times to comply not only with the law but the orders of the Commission.

B.

A great deal of dissatisfaction with reference to our present law has been brought on by failure in some sections of the State to fully enforce the law, especially in regard to sale by drink, which is expressly prohibited. This is in part due to the disposition of some local officials who regard enforcement of the liquor law as the responsibility solely of the State Liquor Board. The present law should be amended so as to fix definite obligation upon local officials both to enforce the law and weed out undesirable applicants for permits and licenses. Local officials should be required to aid State officers when called upon.

In this connection I think it might be desirable to give to the mayor of any incorporated city or town, or the county judge of any county, the right to cancel liquor permits for the same cause, after hearing, and upon the same basis as the State Commission.

C.

Unquestionably one of the most difficult problems arising out of the present law (and concerning which the greatest interest has been

aroused) is the persistence of individuals in some communities in selling hard liquor by the drink. In some communities this practice has been encouraged by the apathetic attitude of local officials and part of the citizenship. In the first prosecutions for sale by the drink in a number of counties convictions have not been secured; in others they have.

Not all of those who voted for repeal favor sale of hard liquor by the drink. Many, indeed, if not most of them, are opposed to the return of the open saloon in any form. I have no doubt, however, that other interests in cities, where convictions have been difficult to secure, have conceived the idea that by breaking down enforcement in the first year of our experience under the present law we will become discouraged and return to the old system.

There are many others who honestly believe that sale by the drink should be legalized in any community voting to authorize such sales. Regardless of our individual opinions as to the justice of local option on sale by the drink, there are many who doubt the authority of the Legislature to make such provision under the present constitutional amendment. This amendment voted by the people forever prohibits the open saloon. It is made the duty of the Legislature to define "open saloon."

Necessarily, there is a vast difference of opinion as to what constitutes an "open saloon;" and as to what the people intended by the adoption of this constitutional prohibition. Frankly, I am of the opinion that any effort by the Legislature to legalize sale of hard liquor by the drink is at least a violation of the spirit, if not the letter, of the amendment. It is my opinion (and I recognize the right of others to a contrary opinion), that in outlawing the open saloon the people intended to do away with the "joint," or gathering place, always found where hard liquors were sold by the drink. Many of these so-called "joints" were recently denounced in a report by the grand jury in Bexar County.

If the Legislature should attempt to legalize sale by the drink, even by local option, without doubt a serious legal question would arise and enforcement possibly further imperiled. It occurs to me that those who favor sale by the drink on local option

would be in a far better and safer position if they submitted a constitutional amendment to let the people decide this question squarely. If the people so decide, then none of us have a right to quarrel with it.

D.

Undoubtedly in passing the present law the Legislature intended to absolutely segregate establishments selling beer for consumption on the premises from places selling spirituous liquors. It was never intended that beer dispensers should possess spirituous liquors on their premises or allow same to be consumed thereon. This practice has nevertheless become prevalent over the State. It has been a constant source of trouble. The present law should be amended so as to outlaw drinking of hard liquor on premises where beer is dispensed and bring about complete segregation on premises where beer is dispensed from places where spirituous liquors are sold.

E.

Enforcement has been hampered because of possible lack of authority of the State Liquor Control Board inspectors to enter upon licensed premises for the purpose of making public investigation and make arrests for violations, and to search for and seize liquors. In many instances the lives of the agents have been threatened, and at the present time they may not even carry a gun. The Board's agents should be clothed with ample authority to enforce the liquor law. They should be given the power to make arrests and execute search warrants and issue process in liquor enforcement cases. Their authority should be limited, in my opinion, to enforcement of the liquor laws.

In this connection I have noted from the public press statements of possible consideration by the Legislature of transferring the enforcement of the liquor laws to the Department of Public Safety. I could not approve such a bill. The Public Safety Department does not have enough men. As pointed out in a previous message, they need more men for enforcement of the safety laws. The State Ranger force and the Department of Intelligence must be kept primarily engaged in war upon major and organized crime.

F.

The liquor problem is so complex, so important as to justify the separate department set up by the Legislature. It must not be confused or mixed with other departments. Considering the problem facing us at the time of repeal: liquor was shipped into Texas in wholesale quantities; no law whatever on the subject; hundreds of demands and requests of the Board within twenty-four hours after its creation; multitudinous details incident to selecting, organizing and placing in the field of men to enforce the law; on the whole, the Liquor Board has done a splendid job.

Under the present law the members of the Board are paid ten dollars per day for not exceeding sixty days per year. As a matter of fact, most of their time is taken away from their private business the year round in simply answering letters, inquiries and requests for jobs. I tell you frankly I have had extreme difficulty in persuading these gentlemen to serve on the board.

Intelligent, prompt and efficient enforcement of the liquor laws is of sufficient importance, in my judgment, to demand the undivided attention of all three members. It should be a full time board and pay salaries of not less than \$5,000.00 per year per member. I respectfully urge the Legislature to make this a full time board and pay adequate salaries. It simply isn't fair or right to ask the members to continue on the present basis.

The above are on a number of changes that could be made in the law to tighten up collection of taxes and better carry out the will of the people. I suggest that the proper committees request the administrator and one of his legal representatives to appear before them and make more detailed suggestions based upon their experience. It might be found advisable to entirely rewrite the present law with appropriate saving clauses preserving the right of the State to prosecute any causes of action, claims, etc.

G.

The history of the liquor traffic, even since repeal, shows that in Texas, as throughout the nation, the more outlets the State licenses, the more liquor is sold and consumed. This, of course, is not the desire of Texas people. In the hasty preparation and passage of the present law,

it was too easy to secure a license and the fees paid by the distributor were too small.

I think if this Legislature would double the present license fees it would result in decreasing the number of outlets, in less consumption of liquor and possibly in securing a more substantial type of dealer. The State will then have fewer licensed premises to police; and any unlicensed dealer in liquors will come clearly within the pale of bootlegging. Legitimate dealers will then be in a better position to demand that their local officers enforce the laws against bootlegging.

2.

Since the summer of 1933 an unparalleled wave and mania for gambling has swept over the State. Legalized gambling has given spread to even wider illegal gambling. Bookie shops, gambling houses, slot and marble machines and almost every other form of gambling has flagrantly flourished. Even the "policy racket" has made its appearance in Texas.

It is interesting to note that most of these conditions have arisen, indeed have flourished, since the passage of the race track gambling law. Bookmaking, particularly, assumed gigantic proportions after this law was passed. The stimulating effect created by actual race meets held in the State encouraged housewives, clerks, employees, business men and even public officials themselves "to play the ponies" on races run hundreds of miles away.

Undesirables have come to our State—race track touts, pickpockets, confidence men. Horses have been doped. Crooked races have been run. Bets have been paid off by bookie shops on races before they were even run.

Most of us, of course, like good clean sport. Most of us enjoy a clean horse race. But, regardless of how we feel about it, down in our hearts we know that the average person doesn't have a chance. He is bucking an unbeatable game.

In my message to the Legislature two years ago I quoted denunciations of gambling by George Washington, Franklin, Blackstone, Shakespeare and the Holy Bible. Since that time, such modernists as Arthur Brisbane and O. O. McIntyre have joined the procession. Brisbane said that it is possible to cure a drug addict or a

liquor sot, but impossible to cure a gambler; and McIntyre said that of all the gambling evils, "playing the ponies" is the worst.

Without doubt, race track gambling has had a bad effect upon business. Housewives have spent their allowances, bank clerks and employees have absconded with funds, men who formerly took pride in the fact that their credit rating was good, have become dead beats. These are not isolated cases. They are and will continue to be general.

Twice now repeal of the race track gambling law has been an issue in the Governor's race. In both instances the candidate favoring repeal has been elected Governor. Twice now repeal of the race track gambling law has been a clear cut issue and a platform demand.

Two years ago it wasn't even voted upon. In all fairness, Members of the Legislature, I ask you, are we not entitled to a clear cut vote on this proposition? Whether as an individual Member of the Legislature you are for or against repeal of the race track gambling law, I urge you to see that it is voted upon at this Regular Session. Let's dispose of it one way or the other.

I particularly urge that this law not be loaded down with other amendments. I particularly urge every member of the committees of each House before which it will be heard to be present and vote on reporting the bill favorably or unfavorably. I particularly urge each Member of this Legislature to be present and vote on the question when it comes up on the floor. Surely, whether we are for or against repeal, we have the courage of our convictions. Surely we are willing to vote "yea" or "nay"; surely we are willing to stand on the record we make on this issue.

B.

Bookie shops are outlawed by the laws of Texas; but under court decisions it is indeed difficult to secure a criminal conviction. This law should be amended and made effective in many respects, but particularly provide that when it is established that a single bet upon a horse race is accepted it shall be prima facie evidence that the law was violated without requiring the State to prove that a race was actually run somewhere else, perhaps beyond the boundaries of Texas.

There are other defects familiar to all which can be covered by simple amendments incorporated in pending bills.

C.

At present there is no law in this State against betting on dog racing. This should be prohibited as clearly and certainly as horse racing. None of us but like to see a good race, but the fact remains that both horse racing and dog racing cannot thrive, indeed cannot exist, without legalized betting in which ultimately only the professional gamblers can win.

3.

For a long time we have all talked about the necessity for consolidating various departments of the government. Many studies have been made by legislative committees. Many recommendations have been made. Like the weather, nothing has been done about it.

To effect complete governmental reorganization some constitutional amendments would have to be adopted. In the meantime, however, we can make a start at this by consolidating a number of existing departments.

I think the State Barber Board and the State Board of Cosmetology should be placed under the direction of the State Board of Health. I think the State Reclamation Engineer's Department should be consolidated with the State Board of Water Engineers.

I recommend passage of the pending bill to place the State Department of Agriculture under the direction of the Board of Directors of A. & M. College effective at the end of the present term of the present Agricultural Commissioner.

In 1933 the Texas joint legislative committee on agriculture and economy, in a general summary on page 20 says:

"The principal work of the Department of Agriculture is in the control of plant disease, although a number of optional services are offered for which charges are assessed to pay the costs thereof. Certain law enforcement duties also are performed, including the enforcement of the citrus maturity, seed labeling, weights and measures, warehouse, and cotton gin laws.

* * * *

"With the exception of warehouse examinations and weights and measures inspection, the work of the Department is closely related to that of

the Extension Service and that of the Agricultural Experiment Station of the Agricultural and Mechanical College of Texas. More effective results could be secured at less expense if the activities in agricultural lines now performed by the Department were transferred to the Agricultural and Mechanical College.

"The examination of warehouses should be made a function of the Department of Banking and sufficient fees should be collected from this work to offset the cost of examinations. The enforcement of the weights and measures laws can be handled most economically by the Bureau of Foods and Drugs of the Department of Public Health. The testing of milk and cream for butterfat content by the weights and measures inspectors can well be discontinued."

Throughout the nation State Boards of Departments of Agriculture were in a sense forerunners of land grant colleges, experiment stations and extension services. They seemed to fill a need at a time when these services were available from no other source. With the creation of land grant colleges, the functions of state departments of agriculture have gradually been delegated to these colleges for the reason that many of their functions are unquestionably closely related. This is particularly true with the administration of regulatory laws pertaining to agriculture, such as feed control laws, fertilizer laws, fowlbrood laws, and seed and nursery inspection laws (all of which of necessity have to be closely identified with the work of the experimental stations if they are to be effectively and efficiently administered).

In a few of the states, of which Michigan and Maryland are notable examples, all of the functions of the State Departments of Agriculture are administered by the board of directors of the land grant institutions.

In Texas the situation is extremely confusing and inconsistent inasmuch as a part of the regulatory work connected with agriculture is delegated by law to the Department of Agriculture and part to the Texas Agricultural and Mechanical College. The State Department of Agriculture administers the nursery inspection law, the seed law, and the citrus maturity law. The Agricultural and Mechanical College of Texas is delegated by law to administer, through the agri-

cultural experiment station, the pure food law, the fertilizer law, and the fowlbrood law, presumably on the assumption that these activities must be closely associated with research in order to be effectively and efficiently administered.

The fowlbrood law and the nursery inspection law constitute a notable inconsistency in that both Acts require the services of trained entomologists and both, therefore, should be under the direction of the official State Entomologist, yet one of these Acts is administered by the Agricultural and Mechanical College of Texas and the other by the State Department of Agriculture.

An example of duplication in educational work is evident in that the State Department of Agriculture employs personnel to do educational work in connection with pecans and other horticultural crops, while the Extension Service of the Agricultural and Mechanical College of Texas also employs specialists to do the same type of work.

At a later date I may have other recommendations to make for consolidations. In the meantime, I urge each Member of the Legislature to carefully study this problem and lend their energies toward consolidation, coordination, efficiency and economy wherever possible.

Respectfully,
JAMES V. ALLRED,
Governor of Texas.

EXTENDING CONGRATULATIONS TO PRESIDENT FRANKLIN DELANO ROOSEVELT

Mr. Bell offered the following resolution:

Whereas, On the 30th day of January, of this year, our great and beloved President, Franklin D. Roosevelt, will celebrate the Fifty-fifth anniversary of his birth; and

Whereas, It is fitting and proper that the State and the people of Texas join with the Nation in wishing him well during the year to come; and

Whereas, This beloved man and statesman has steered the Ship of State surely and courageously over the turbulent and troubled waters of these extraordinary times; and

Whereas, He has the affection, love and esteem of the millions of people that are Texas; and

Whereas, Our great President, in his great heart, has in mind the interest of the average man and while others have faltered he has acted promptly in carrying out a program to benefit the common people; and

Whereas, He has, in all respects, made himself worthy of his generation; therefore, be it

Resolved by the House of Representatives of the State of Texas, that the said House, hereby and herewith, congratulates President Roosevelt on the anniversary of his birth and wish him happiness in the years to come; and, be it further

Resolved, That a copy of this resolution be spread upon the Journals of today; and, be it further

Resolved, That the Chief Clerk be instructed to mail, immediately, a copy of this resolution to President Roosevelt; and, be it further

Resolved, That when the House adjourns Friday, it do so in honor of our great President.

BELL,
THORNBERRY,
HARTZOG.

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsup, Amos, Baker, Bates, Beckworth, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carsow, Cathey, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Darden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Dickens, Harris of Archer, Harris of Dallas, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, James, Johnson of Tarrant, Johnson of Ellis, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of

Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Alsup, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

GRANTING PERMISSION TO SUE THE STATE

The Chair laid before the House, for consideration at this time, House Concurrent Resolution No. 3, by Mr. Hoskins, Granting F. L. Ehrig permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

GRANTING PERMISSION TO SUE THE STATE

The Chair laid before the House, for consideration at this time, House Concurrent Resolution No. 9, by Mr. Jones of Falls, Granting Mrs. Tom Harrell permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

SENATE BILL NO. 54 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,

S. B. No. 54, A bill to be entitled "An Act making an appropriation for the payment of the increase in salaries of the several constitutional

officers of the State of Texas as authorized by constitutional amendment voted November 3, 1936; fixing the salaries and providing method of payment of these salaries; supplementing the original appropriation made by the Forty-fourth Legislature for the payment of salaries to these officials, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 54 ON THIRD READING

Mr. Harris of Dickens moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 54 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108

Adkins	Heflin
Alexander	Holland
Alsup	Hoskins
Amos	Howard
Bates	Huddleston
Beckworth	Jackson
Bell	James
Boethel	Johnson of Ellis
Boyer	Jones of Angelina
Bradbury	Jones of Atascosa
Bradford	Jones of Falls
Bridgers	Jones of Wise
Brown	Keith
Burton	Kelt
Callan	Kenyon
Cathey	Kern
Cleveland	King
Colquitt	Knetsch
Davis of Jasper	Lankford
Davisson	Lanning
of Eastland	Leath
Dean	Leyendecker
Deglandon	London
Derden	Lucas
Dickison	Mann
Dollins	Mauritz
England	McConnell
Farmer	McDonald
Fielden	McFarland
Gibson	McKee
Graves	McKinney
Hamilton	Moffett
Hankamer	Monkhouse
Harbin	Morris
Hardin	Morse
Harper	Nicholson
Harris of Archer	Oliver
Harris of Dickens	Patterson of Mills

Patterson of Travis	Skaggs	Dollins	McKinney
Powell	Smith of Hopkins	England	Moffett
Prescott	Smith	Farmer	Monkhouse
Quinn	of Matagorda	Fielden	Morris
Ragsdale	Smith of Tarrant	Fuchs	Morse
Reader	Stocks	Gibson	Oliver
Reed of Bowie	Talbert	Graves	Patterson of Mills
Reed of Dallas	Tarwater	Hamilton	Patterson
Rhodes	Tennant	Hankamer	of Travis
Riddle	Tennyson	Harbin	Pope
Roark	Thornberry	Hardin	Powell
Russell	Thornton	Harper	Prescott
Settle	Vale	Harris of Archer	Quinn
Sewell	Walker	Harris of Dickens	Ragsdale
Sharpe	Weldon	Heflin	Reader
Shell	Wood	Herzik	Reed of Bowie
Simpson	Worley	Holland	Reed of Dallas
		Hoskins	Rhodes
	Absent	Howard	Riddle
Baker	Johnson	Huddleston	Roark
Bond	of Tarrant	Jackson	Russell
Broadfoot	Keefe	James	Settle
Cagle	Langdon	Johnson of Ellis	Sewell
Celaya	Little	Jones of Angelina	Sharpe
Davis of Haskell	Mays	Jones of Atascosa	Shell
Davison of Fisher	McCracken	Jones of Falls	Simpson
Felty	Palmer	Jones of Wise	Skaggs
Fox	Petsch	Keith	Smith of Hopkins
Fuchs	Pope	Kelt	Smith
Harrell	Rutta	Kenyon	of Matagorda
Hartzog	Stevenson	Kern	Smith of Tarrant
Herzik	Winfree	King	Stocks
Hull		Knetsch	Talbert
	Absent—Excused	Lankford	Tarwater
Blankenship	Metcalf	Lanning	Tennant
Carssow	Newton	Leath	Tennyson
Hanna	Ross	London	Thornberry
Harris of Dallas	Schuenemann	Lucas	Thornton
Hyder	Stinson	Mann	Vale
Leonard	Waggoner	Mauritz	Walker
Loggins	Westbrook	McConnell	Weldon
		McDonald	Wood
		McFarland	Worley
		McKee	

The Chair then laid Senate Bill No. 54 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—110

Adkins	Brown
Alexander	Burton
Alsup	Callan
Amos	Cathey
Baker	Cleveland
Bates	Colquitt
Beckworth	Davis of Jasper
Bell	Davison
Boethel	of Eastland
Boyer	Dean
Bradbury	Deglandon
Bradford	Derden
Bridgers	Dickison

Absent

Bond	Keefe
Broadfoot	Langdon
Cagle	Levendeker
Celaya	Little
Davis of Haskell	Mays
Davison of Fisher	McCracken
Felty	Nicholson
Fox	Palmer
Harrell	Petsch
Hartzog	Rutta
Hull	Stevenson
Johnson	Winfree
of Tarrant	

Absent—Excused

Blankenship	Harris of Dallas
Carssow	Hyder
Hanna	Leonard

Loggins
Metcalf
Newton
Ross

Schuenemann
Stinson
Waggoner
Westbrook

Mr. Harris of Dickens moved to reconsider the vote by which Senate Bill No. 54 was passed, and to table the motion to reconsider.

The motion to table prevailed.

RELATIVE TO SALARIES OF CERTAIN EMPLOYEES

The Chair laid before the House, for consideration at this time, resolution offered on last Tuesday by Mr. Herzik, relative to salaries of certain employees.

The resolution having heretofore been read second time and referred to the Committee on Contingent Expenses, with amendment by Mr. Bradford, pending.

The Committee on Contingent Expenses having recommended that the resolution be not adopted.

Mr. Wood raised a point of order on further consideration of the resolution, on the ground that the resolution was reported unfavorable by the Committee and no minority report has been filed.

The Chair sustained the point of order.

MESSAGE FROM THE SENATE

Austin, Texas, January 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 16, Relative to opposition of the ratification by the United States Senate of the Argentine Sanitary Convention, or any measure which proposes to change the present regulations governing importation's of certain livestock.

H. B. No. 65, A bill to be entitled "An Act making an appropriation of Nine Thousand (\$9,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to the State Tax Board to pay the expenses of the supervisory staff of the State-wide Tax Survey now being conducted in this State as a Works Progress Administration project as approved by House Concur-

rent Resolution No. 5, passed by the First Called Session of the Forty-fourth Legislature, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 218 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment,

H. B. No. 218, A bill to be entitled "An Act to amend House Bill No. 423, Acts of the Forty-fourth Legislature, Regular Session, by providing that Limestone, Robertson and Milam Counties be excepted from the provisions of said bill, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 218 ON THIRD READING

Mr. Hardin moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 218 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—109

Adkins
Alexander
Alsup
Baker
Bates
Beckworth
Bell
Boethel
Bond
Boyer
Bradbury
Bradford
Bridgers
Brown
Burton
Cagle
Callan
Celaya
Cleveland
Colquitt
Davis of Jasper
Deglandon
Derden
Dickison
Dollins
England
Farmer

Fielden
Fuchs
Gibson
Graves
Hamilton
Hankamer
Harbin
Hardin
Harper
Harris of Archer
Harris of Dickens
Hartzog
Heflin
Herzik
Holland
Hoskins
Howard
Huddleston
James
Johnson of Ellis
Johnson
of Tarrant
Jones of Angelina
Jones of Atascosa
Jones of Falls
Jones of Wise
Keith

Kelt	Quinn
Kern	Ragsdale
King	Reed of Bowie
Knetsch	Reed of Dallas
Lankford	Rhodes
Lanning	Riddle
Leath	Roark
Little	Russell
London	Settle
Mann	Sewell
Mauritz	Shell
Mays	Simpson
McConnell	Skaggs
McCracken	Smith of Hopkins
McDonald	Smith
McFarland	of Matagorda
McKee	Stevenson
McKinney	Stocks
Moffett	Talbert
Monkhouse	Tarwater
Morris	Tennant
Oliver	Tennyson
Palmer	Thornberry
Patterson of Mills	Thornton
Patterson	Vale
of Travis	Walker
Pope	Winfree
Powell	Wood
Prescott	Worley

Absent

Amos	Keefe
Broadfoot	Kenyon
Cathey	Langdon
Davis of Haskell	Leyendecker
Davison of Fisher	Lucas
Davisson	Morse
of Eastland	Nicholson
Dean	Petsch
Felty	Reader
Fox	Rutta
Harrell	Sharpe
Hull	Smith of Tarrant
Jackson	Weldon

Absent—Excused

Blankenship	Metcalfe
Carsow	Newton
Hanna	Ross
Harris of Dallas	Schuenemann
Hyder	Stinson
Leonard	Waggoner
Loggins	Westbrook

The Chair then laid House Bill No. 218 before the House on its third reading and final passage.

The bill was read third time, and was passed.

SENATE BILL NO. 101 ON SECOND READING

On motion of Mr. Heflin, the Twenty-four Hour House Rule, rela-

tive to the consideration of printed bills, was suspended at this time, for the purpose of considering Senate Bill No. 101.

The Chair then laid before the House, on its second reading and passage to third reading,

S. B. No. 101, A bill to be entitled "An Act amending Article 1041, Title 15, Code of Criminal Procedure, Revision of 1925, and declaring an emergency."

(Speaker in the Chair.)

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 101 ON THIRD READING

Mr. Heflin moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 101 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—107

Adkins	Harbin
Alexander	Hardin
Alsup	Harper
Amos	Harris of Archer
Baker	Hartzog
Bates	Heflin
Beckworth	Herzik
Bell	Holland
Boethel	Hoskins
Bond	Howard
Boyer	Huddleston
Bradbury	Jackson
Bradford	James
Bridgers	Johnson of Ellis
Brown	Johnson
Burton	of Tarrant
Cagle	Jones of Angelina
Celaya	Jones of Falls
Cleveland	Jones of Wise
Colquitt	Keith
Davis of Haskell	Kelt
Davison of Fisher	Kern
Davisson	King
of Eastland	Knetsch
Dean	Langdon
Deglandon	Lanning
Derden	Leath
Dickison	Little
Dollins	London
Farmer	Mann
Fox	Mauritz
Fuchs	Mays
Gibson	McConnell
Graves	McCracken
Hamilton	McDonald
Hankamer	McFarland

McKinney	Russell
Moffett	Settle
Monkhouse	Shell
Morris	Simpson
Morse	Skaggs
Nicholson	Smith of Hopkins
Oliver	Smith of Tarrant
Patterson of Mills	Stocks
Patterson	Talbert
of Travis	Tarwater
Petsch	Tennant
Pope	Tennyson
Powell	Thornton
Prescott	Vale
Quinn	Walker
Reed of Dallas	Weldon
Rhodes	Winfree
Riddle	Wood
Roark	Worley

Nays—2

Lankford Reed of Bowie

Present—Not Voting

Smith
of Matagorda

Absent

Broadfoot	Kenyon
Callan	Leyendecker
Cathey	Lucas
Davis of Jasper	McKee
England	Palmer
Felty	Ragsdale
Fielden	Reader
Harrell	Rutta
Harris of Dickens	Sewell
Hull	Sharpe
Jones of Atascosa	Stevenson
Keefe	Thornberry

Absent—Excused

Blankenship	Metcalfe
Carssow	Newton
Hanna	Ross
Harris of Dallas	Schuenemann
Hyder	Stinson
Leonard	Waggoner
Loggins	Westbrook

The Speaker then laid Senate Bill No. 101 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—112

Adkins	Bates
Alexander	Beckworth
Alsup	Bell
Amos	Boethel
Baker	Bond

Boyer	Leath
Bradbury	Little
Bradford	London
Bridgers	Mann
Broadfoot	Mauritz
Brown	Mays
Burton	McConnell
Cagle	McCracken
Callan	McDonald
Cathey	McFarland
Celaya	McKee
Cleveland	Moffett
Davis of Haskell	Monkhouse
Davison of Fisher	Morris
Dean	Morse
Deglandon	Nicholson
Derden	Oliver
Dickison	Patterson of Mills
Dollins	Patterson
England	of Travis
Farmer	Petsch
Fielden	Powell
Fox	Prescott
Fuchs	Quinn
Gibson	Ragsdale
Graves	Reed of Dallas
Hamilton	Rhodes
Hankamer	Riddle
Harbin	Roark
Hardin	Russell
Harper	Settle
Hartzog	Sewell
Heflin	Shell
Herzik	Simpson
Holland	Skaggs
Hoskins	Smith of Hopkins
Howard	Smith
Huddleston	of Matagorda
Jackson	Smith of Tarrant
James	Stocks
Johnson of Ellis	Talbert
Johnson	Tarwater
of Tarrant	Tennant
Jones of Angelina	Tennyson
Jones of Falls	Thornberry
Jones of Wise	Thornton
Keith	Vale
Kelt	Walkér
Kern	Weldon
King	Winfree
Knetsch	Wood
Langdon	Worley
Lanning	

Nays—2

Lankford Reed of Bowie

Absent

Colquitt	Harris of Archer
Davis of Jasper	Harris of Dickens
Davisson	Hull
of Eastland	Jones of Atascosa
Felty	Keefe
Harrell	Kenyon

Leyendecker
Lucas
McKinney
Palmer
Pope

Absent—Excused

Blankenship
Carssow
Hanna
Harris of Dallas
Hyder
Leonard
Loggins

Reader
Rutta
Sharpe
Stevenson

Metcalf
Newton
Ross
Schuenemann
Stinson
Waggoner
Westbrook

ADJOURNMENT

Mr. Moffett moved that the House recess to 10:00 o'clock a. m., tomorrow.

Mr. Reed of Bowie moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Reed of Bowie, it prevailed, and the House, accordingly, at 12:00 o'clock m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE
REPORTS

The following committees have filed favorable reports on bills as follows:

Counties: Senate Bill No. 101.

Education: House Bills Nos. 55, 56 and 162.

Game and Fisheries: House Bills Nos. 245, 246, 268 and 276.

Highways and Motor Traffic: House Bill No. 280.

Judiciary: Senate Bill No. 44.

State Affairs: House Bill No. 158 and House Simple Resolution No. 16.

The Committee on Contingent Expenses filed an adverse report on resolution providing for increase in salary of certain employees.

ELEVENTH DAY

(Friday, January 29, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Johnson
Adkins	of Tarrant
Alexander	Jones of Angelina
Alsup	Jones of Atascosa
Amos	Jones of Falls
Baker	Jones of Wise
Bates	Keith
Beckworth	Kelt
Bell	Kenyon
Boethel	Kern
Bond	King
Boyer	Knetsch
Bradbury	Lankford
Bridgers	Lanning
Broadfoot	Leath
Brown	Leonard
Burton	Leyendecker
Cagle	Loggins
Callan	London
Cathey	Lucas
Cleveland	Mann
Colquitt	Mauritz
Davis of Haskell	Mays
Davis of Jasper	McConnell
Davisson	McCracken
of Eastland	McDonald
Dean	McFarland
Deglandon	McKee
Derden	McKinney
Dickison	Moffett
England	Monkhouse
Farmer	Morris
Felty	Morse
Fielden	Newton
Fox	Nicholson
Fuchs	Oliver
Gibson	Palmer
Graves	Patterson of Mills
Hamilton	Patterson
Hankamer	of Travis
Hanna	Petsch
Harbin	Powell
Hardin	Prescott
Harper	Quinn
Harrell	Ragsdale
Harris of Archer	Reader
Harris of Dallas	Reed of Bowie
Harris of Dickens	Reed of Dallas
Hartzog	Rhodes
Heflin	Riddle
Herzik	Roark
Holland	Russell
Hoskins	Rutta
Howard	Settle
Huddleston	Sewell
Hull	Sharpe
Hyder	Shell
Jackson	Simpson
James	Skaggs
Johnson of Ellis	Smith of Hopkins